

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>CONNIE BARNES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:16CV1293</b>
	)	
	)	
	)	
<b>OFFICER KEE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on November 9, 2016, was served on the parties in this action. Afterwards, Plaintiff submitted two letters, neither responsive to the Magistrate Judge's Order and Recommendation.

The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a de novo determination in accord with the Magistrate Judge's report. The Court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation.<sup>1</sup> A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 6<sup>th</sup> day of February, 2017.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge

---

<sup>1</sup> The Magistrate Judge's Recommendation notes two defects in the form of the Complaint: (1) "[t]he filing fee was not received nor was a proper affidavit to proceed in forma pauperis submitted, with sufficient information completed or signed by Plaintiff, to permit review," and (2) "[t]he Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission." (Doc. # 2 at 1-2).